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105TH CONGRESS }
2d Session }

SENATE

{ REPORT
105-383

SAN JUAN COUNTY, NEW MEXICO

OCTOBER 9 (legislative day OCTOBER 2), 1998.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2402]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2402) to direct the Secretary of Agriculture to convey certain lands in San Juan County, new Mexico, to San Juan College, having considered the same, reports favorably thereon with an amendment and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. OLD JICARILLA ADMINISTRATIVE SITE.

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of enactment of this Act, the Secretaries of Agriculture and Interior (herein “the Secretaries”) shall convey to San Juan College, in Farmington, New Mexico, subject to the terms and conditions under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) consisting of approximately ten acres known as the “Old Jicarilla Site” located in San Juan County, New Mexico (T29N; R5W; portions of Sections 29 and 30).

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretaries and the President of San Juan College. The cost of the survey shall be borne by San Juan College.

(c) TERMS AND CONDITIONS.—

(1) Notwithstanding exceptions of application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretaries and San Juan College indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for educational and recreational purposes. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

(d) LAND WITHDRAWALS.—Public Land Order 3443, only insofar as it pertains to lands described in subsections (a) and (b) above, shall be revoked simultaneous with the conveyance of the property under subsection (a).

2. Amend the title so as to read: “A bill to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College.”.

PURPOSE OF THE MEASURE

S. 2402, as ordered reported, directs the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College.

BACKGROUND AND NEED

S. 2402 directs the Secretaries of Agriculture and Interior to convey real property and improvements, known as the “Old Jicarilla Administrative Site,” to San Juan College. S. 2402 requires that the site continue to be used for public purposes, including the educational and recreational purposes of the college. The Forest Service and Bureau of Land Management have determined that this site is of no further use to them, because the Jicarilla District Ranger moved into a new administrative facility in the town of Bloomfield, New Mexico. The facility has had no occupants for several years. The Forest Service reported to the General Services Administration that the improvements on the site were considered surplus and would be available for disposal under the appropriate administrative procedures.

LEGISLATIVE HISTORY

S. 2402 was introduced on July 31, 1998, by Senators Domenici and Bingaman. It was referred to the Committee on Energy and Natural Resources on September 18, 1998. The Subcommittee on Forests and Public Land Management held a hearing on S. 2402 on October 1, 1998. At the business meeting on October 6, 1998, the Committee on Energy and Natural Resources ordered S. 2402, as amended, favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on October 6, 1998, by unanimous vote of a quorum present recommends that the Senate pass S. 2402, if amended as described herein.

SECTION-BY-SECTION ANALYSIS

Section I. Old Jicarilla administrative site

Section 1(a) states that, not later than one year after the date of enactment, the Secretaries of Agriculture and Interior shall convey to San Juan College approximately ten acres known as the Old Jicarilla Administrative Site.

Subsection (b) states that exact acreage and legal description of the property conveyed shall be determined by a survey satisfactory

to the Secretaries and the President of San Juan College and that the cost of the survey shall be borne by San Juan College.

Subsection (c) provides that, notwithstanding exceptions under the Recreation and Public Purposes Act, conveyance shall be consistent with the Bureau of Land Management special pricing program and an agreement between the Secretaries and San Juan College indemnifying the United States from all liability. This subsection requires that the lands conveyed by this Act be used for educational and recreational purposes and states that, if the lands are not used for such purposes, at the option of the United States, such lands will revert to the United States.

Subsection (d) states that Public Order 3443 shall be revoked simultaneously with the conveyance of the property.

COMMITTEE AMENDMENT

During consideration of S. 2402, the Committee adopted an amendment in the nature of a substitute offered by Senators Domenici and Bingaman. The amendment makes technical and clarifying changes. Specifically, the amendment provides that the Secretary of the Interior is involved in the conveyance. In addition, the amendment clarifies the status of the land upon conveyance.

COST AND BUDGETARY CONSIDERATION

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2402.

The bill is not a regulatory measure in the sense of imposing Government established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of S. 2402.

EXECUTIVE COMMUNICATIONS

The Committee on Energy and Natural Resources has requested executive comment from the Department of Agriculture and the Office of Management and Budget. These legislative reports were not available at the time this report was filed. When the requested reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Forest Service at the October 1, 1998, Subcommittee hearing follows:

STATEMENT OF SANDRA H. KEY, ASSOCIATE DEPUTY CHIEF,
PROGRAMS AND LEGISLATION, FOREST SERVICE, DEPART-
MENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, thank you for the opportunity to discuss the Forest Service's views on S. 2402.

S. 2402—OLD JICARILLA ADMINISTRATIVE SITE, CARSON
NATIONAL FOREST

The Administration supports enactment of S. 2402.

S. 2402 directs the Secretary of Agriculture to convey all right, title, and interest of the United States, to lands including improvements, commonly known as the "Old Jicarilla District Headquarters," located in Gobernador, New Mexico, to San Juan College. This site is currently unoccupied and has been reported to the General Services Administration as surplus and available for disposal. The Forest Service's new administrative site is located in the town of Bloomfield, New Mexico.

The bill provides for the conveyance of a 10 acre administrative site to San Juan College to be used for educational and recreational purposes. This bill is generally patterned on S. 1510, Rio Arriba county land transfer, which was passed by the Senate earlier this year and which transfers a similar Forest Service administrative site on public lands managed by BLM to a county government.

Enactment of S. 2402 would provide long-term benefits for the people of San Juan County and the students and faculty of San Juan College.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 2402 as ordered reported.

